

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1096**

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**Introduced by Assembly Member Chiu**

February 27, 2015

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~~An act to amend Section 406 of the Vehicle Code, relating to vehicles.~~  
*An act to amend Sections 406 and 12804.9 of, to add Sections 312.5 and 21213 to, and to repeal Section 24016 of, the Vehicle Code, relating to vehicles.*

LEGISLATIVE COUNSEL’S DIGEST

AB 1096, as amended, Chiu. ~~Vehicles: motorized bicycles. Vehicles:~~  
*electric bicycles.*

*Existing law defines a “motorized bicycle” or a “moped” as a two-wheeled or three-wheeled device having fully operative pedals for propulsion by human power, or having no pedals if powered solely by electrical energy, and an automatic transmission and motor, as specified.*

*Existing law also defines a “motorized bicycle” as a device that has fully operative pedals for propulsion by human power and has an electric motor that meets specified requirements. Existing law requires a motorized bicycle, as described by this definition, to comply with specified equipment and manufacturing requirements. Existing law also imposes specified requirements relating to the operation of bicycles. A violation of the Vehicle Code is a crime.*

*This bill would delete the 2nd definition of “motorized bicycle” and its applicable requirements. The bill would define an “electric bicycle” as a bicycle with fully operable pedals and an electric motor of less than 750 watts, and would create 3 classes of electric bicycles, as*

*specified. The bill would require a person riding an electric bicycle to comply with the above-described requirements relating to the operation of bicycles. The bill would prohibit persons under 14 years of age from operating a class 3 electric bicycle. The bill would also require persons operating, or riding upon, a class 3 electric bicycle to wear a helmet, as specified. The bill would also make conforming changes.*

*Because the bill would create new requirements regarding electric bicycles, the violation of which would be a crime, the bill would impose a state-mandated local program.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

~~Existing law defines a “motorized bicycle” or “moped” for purposes of the Vehicle Code as a 2-wheeled or 3-wheeled device that has fully operative pedals for propulsion by human power, or having no pedals if powered solely by electrical energy, and an automatic transmission and a motor that produces less than 4 gross brake horsepower and is capable of propelling the device at a maximum speed of not more than 30 miles per hour on level ground.~~

~~This bill would make a technical, nonsubstantive change to that provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 312.5 is added to the Vehicle Code, to
- 2     read:
- 3     312.5. (a) An “electric bicycle” is a bicycle equipped with
- 4     fully operable pedals and an electric motor of less than 750 watts.
- 5     (1) A “class 1 electric bicycle,” or “low-speed pedal-assisted
- 6     electric bicycle,” is a bicycle equipped with a motor that provides
- 7     assistance only when the rider is pedaling, and that ceases to
- 8     provide assistance when the bicycle reaches the speed of 20 miles
- 9     per hour.
- 10    (2) A “class 2 electric bicycle,” or “low-speed throttle-assisted
- 11    electric bicycle,” is a bicycle equipped with a motor that may be

1 *used exclusively to propel the bicycle, and that is not capable of*  
2 *providing assistance when the bicycle reaches the speed of 20*  
3 *miles per hour.*

4 (3) A “class 3 electric bicycle,” or “speed pedal-assisted electric  
5 bicycle,” is a bicycle equipped with a motor that provides  
6 assistance only when the rider is pedaling, and that ceases to  
7 provide assistance when the bicycle reaches the speed of 28 miles  
8 per hour, and equipped with a speedometer.

9 (b) A person riding an electric bicycle, as defined in this section,  
10 is subject to Article 4 (commencing with Section 21200) of this  
11 code.

12 SEC. 2. Section 406 of the Vehicle Code is amended to read:

13 406. (a) A “motorized bicycle” or “moped” is a two-wheeled  
14 or three-wheeled device having fully operative pedals for  
15 propulsion by human power, or having no pedals if powered solely  
16 by electrical energy, and an automatic transmission and a motor  
17 that produces less than 4 gross brake horsepower and is capable  
18 of propelling the device at a maximum speed of not more than 30  
19 miles per hour on level ground.

20 ~~(b) A “motorized bicycle” is also a device that has fully~~  
21 ~~operative pedals for propulsion by human power and has an electric~~  
22 ~~motor that meets all of the following requirements:~~

23 ~~(1) Has a power output of not more than 1,000 watts.~~

24 ~~(2) Is incapable of propelling the device at a speed of more than~~  
25 ~~20 miles per hour on ground level.~~

26 ~~(3) Is incapable of further increasing the speed of the device~~  
27 ~~when human power is used to propel the motorized bicycle faster~~  
28 ~~than 20 miles per hour.~~

29 ~~(4)~~

30 (b) Every manufacturer of ~~motorized bicycles~~, a motorized  
31 bicycle or moped, as defined in this ~~subdivision~~, section, shall  
32 provide a disclosure to buyers that advises buyers that their existing  
33 insurance policies may not provide coverage for these bicycles  
34 and that they should contact their insurance company or insurance  
35 agent to determine if coverage is provided. *The disclosure shall*  
36 *meet both of the following requirements:*

37 ~~(c) The disclosure required under paragraph (4) of subdivision~~  
38 ~~(b) shall meet both of the following requirements:~~

1 (1) The disclosure shall be printed in not less than 14-point  
2 boldface type on a single sheet of paper that contains no  
3 information other than the disclosure.

4 (2) The disclosure shall include the following language in capital  
5 letters:

6 “YOUR INSURANCE POLICIES MAY NOT PROVIDE  
7 COVERAGE FOR ACCIDENTS INVOLVING THE USE OF  
8 THIS BICYCLE. TO DETERMINE IF COVERAGE IS  
9 PROVIDED YOU SHOULD CONTACT YOUR INSURANCE  
10 COMPANY OR AGENT.”

11 *SEC. 3. Section 12804.9 of the Vehicle Code is amended to*  
12 *read:*

13 12804.9. (a) (1) The examination shall include all of the  
14 following:

15 (A) A test of the applicant’s knowledge and understanding of  
16 the provisions of this code governing the operation of vehicles  
17 upon the highways.

18 (B) A test of the applicant’s ability to read and understand  
19 simple English used in highway traffic and directional signs.

20 (C) A test of the applicant’s understanding of traffic signs and  
21 signals, including the bikeway signs, markers, and traffic control  
22 devices established by the Department of Transportation.

23 (D) An actual demonstration of the applicant’s ability to exercise  
24 ordinary and reasonable control in operating a motor vehicle by  
25 driving it under the supervision of an examining officer. The  
26 applicant shall submit to an examination appropriate to the type  
27 of motor vehicle or combination of vehicles he or she desires a  
28 license to drive, except that the department may waive the driving  
29 test part of the examination for any applicant who submits a license  
30 issued by another state, territory, or possession of the United States,  
31 the District of Columbia, or the Commonwealth of Puerto Rico if  
32 the department verifies through any acknowledged national driver  
33 record data source that there are no stops, holds, or other  
34 impediments to its issuance. The examining officer may request  
35 to see evidence of financial responsibility for the vehicle prior to  
36 supervising the demonstration of the applicant’s ability to operate  
37 the vehicle. The examining officer may refuse to examine an  
38 applicant who is unable to provide proof of financial responsibility  
39 for the vehicle, unless proof of financial responsibility is not  
40 required by this code.

1 (E) A test of the hearing and eyesight of the applicant, and of  
2 other matters that may be necessary to determine the applicant's  
3 mental and physical fitness to operate a motor vehicle upon the  
4 highways, and whether any grounds exist for refusal of a license  
5 under this code.

6 (2) (A) Before a class A or class B driver's license, or class C  
7 driver's license with a commercial endorsement, may be issued  
8 or renewed, the applicant shall have in his or her driver record a  
9 valid report of a medical examination of the applicant given not  
10 more than two years prior to the date of the application by a health  
11 care professional. As used in this paragraph, "health care  
12 professional" means a person who is licensed, certified, or  
13 registered in accordance with applicable state laws and regulations  
14 to practice medicine and perform physical examinations in the  
15 United States. Health care professionals are doctors of medicine,  
16 doctors of osteopathy, physician assistants, and registered advanced  
17 practice nurses, or doctors of chiropractic who are clinically  
18 competent to perform the medical examination presently required  
19 of motor carrier drivers by the United States Department of  
20 Transportation. The report shall be on a form approved by the  
21 department. In establishing the requirements, consideration may  
22 be given to the standards presently required of motor carrier drivers  
23 by the Federal Motor Carrier Safety Administration.

24 (B) The department may accept a federal waiver of one or more  
25 physical qualification standards if the waiver is accompanied by  
26 a report of a nonqualifying medical examination for a class A or  
27 class B driver's license, or class C driver's license with a  
28 commercial endorsement, pursuant to Section 391.41(a)(3)(ii) of  
29 Subpart E of Part 391 of Title 49 of the Code of Federal  
30 Regulations.

31 (3) A physical defect of the applicant that, in the opinion of the  
32 department, is compensated for to ensure safe driving ability, shall  
33 not prevent the issuance of a license to the applicant.

34 (b) In accordance with the following classifications, an applicant  
35 for a driver's license shall be required to submit to an examination  
36 appropriate to the type of motor vehicle or combination of vehicles  
37 the applicant desires a license to drive:

38 (1) Class A includes the following:

39 (A) Except as provided in subparagraph (H) of paragraph (3),  
40 a combination of vehicles, if a vehicle being towed has a gross

- 1 vehicle weight rating or gross vehicle weight of more than 10,000  
2 pounds.
- 3 (B) A vehicle towing more than one vehicle.
- 4 (C) A trailer bus.
- 5 (D) The operation of all vehicles under class B and class C.
- 6 (2) Class B includes the following:
- 7 (A) Except as provided in subparagraph (H) of paragraph (3),  
8 a single vehicle with a gross vehicle weight rating or gross vehicle  
9 weight of more than 26,000 pounds.
- 10 (B) A single vehicle with three or more axles, except any  
11 three-axle vehicle weighing less than 6,000 pounds.
- 12 (C) A bus with a gross vehicle weight rating or gross vehicle  
13 weight of more than 26,000 pounds, except a trailer bus.
- 14 (D) A farm labor vehicle.
- 15 (E) A single vehicle with three or more axles or a gross vehicle  
16 weight rating or gross vehicle weight of more than 26,000 pounds  
17 towing another vehicle with a gross vehicle weight rating or gross  
18 vehicle weight of 10,000 pounds or less.
- 19 (F) A house car over 40 feet in length, excluding safety devices  
20 and safety bumpers.
- 21 (G) The operation of all vehicles covered under class C.
- 22 (3) Class C includes the following:
- 23 (A) A two-axle vehicle with a gross vehicle weight rating or  
24 gross vehicle weight of 26,000 pounds or less, including when the  
25 vehicle is towing a trailer or semitrailer with a gross vehicle weight  
26 rating or gross vehicle weight of 10,000 pounds or less.
- 27 (B) Notwithstanding subparagraph (A), a two-axle vehicle  
28 weighing 4,000 pounds or more unladen when towing a trailer  
29 coach not exceeding 9,000 pounds gross.
- 30 (C) A house car of 40 feet in length or less.
- 31 (D) A three-axle vehicle weighing 6,000 pounds gross or less.
- 32 (E) A house car of 40 feet in length or less or a vehicle towing  
33 another vehicle with a gross vehicle weight rating of 10,000 pounds  
34 or less, including when a tow dolly is used. A person driving a  
35 vehicle may not tow another vehicle in violation of Section 21715.
- 36 (F) (i) A two-axle vehicle weighing 4,000 pounds or more  
37 unladen when towing either a trailer coach or a fifth-wheel travel  
38 trailer not exceeding 10,000 pounds gross vehicle weight rating,  
39 when the towing of the trailer is not for compensation.

(ii) A two-axle vehicle weighing 4,000 pounds or more unladen when towing a fifth-wheel travel trailer exceeding 10,000 pounds, but not exceeding 15,000 pounds, gross vehicle weight rating, when the towing of the trailer is not for compensation, and if the person has passed a specialized written examination provided by the department relating to the knowledge of this code and other safety aspects governing the towing of recreational vehicles upon the highway.

The authority to operate combinations of vehicles under this subparagraph may be granted by endorsement on a class C license upon completion of that written examination.

(G) A vehicle or combination of vehicles with a gross combination weight rating or a gross vehicle weight rating, as those terms are defined in subdivisions (j) and (k), respectively, of Section 15210, of 26,000 pounds or less, if all of the following conditions are met:

(i) Is operated by a farmer, an employee of a farmer, or an instructor credentialed in agriculture as part of an instructional program in agriculture at the high school, community college, or university level.

(ii) Is used exclusively in the conduct of agricultural operations.

(iii) Is not used in the capacity of a for-hire carrier or for compensation.

(H) Firefighting equipment, provided that the equipment is operated by a person who holds a firefighter endorsement pursuant to Section 12804.11.

(I) A motorized scooter.

(J) A bus with a gross vehicle weight rating or gross vehicle weight of 26,000 pounds or less, except a trailer bus.

(K) Class C does not include a two-wheel motorcycle or a two-wheel motor-driven cycle.

(4) Class M1. A two-wheel motorcycle or a motor-driven cycle. Authority to operate a vehicle included in a class M1 license may be granted by endorsement on a class A, B, or C license upon completion of an appropriate examination.

(5) (A) Class M2 includes the following:

(i) A motorized bicycle or moped, or a bicycle with an attached motor, ~~except a motorized bicycle described in subdivision (b) of Section 406.~~

(ii) A motorized scooter.

1 (B) Authority to operate vehicles included in class M2 may be  
2 granted by endorsement on a class A, B, or C license upon  
3 completion of an appropriate examination, except that no  
4 endorsement is required for a motorized scooter. Persons holding  
5 a class M1 license or endorsement may operate vehicles included  
6 in class M2 without further examination.

7 (c) A driver's license or driver certificate is not valid for  
8 operating a commercial motor vehicle, as defined in subdivision  
9 (b) of Section 15210, any other motor vehicle defined in paragraph  
10 (1) or (2) of subdivision (b), or any other vehicle requiring a driver  
11 to hold any driver certificate or any driver's license endorsement  
12 under Section 15275, unless a medical certificate approved by the  
13 department that has been issued within two years of the date of  
14 the operation of that vehicle and a copy of the medical examination  
15 report from which the certificate was issued is on file with the  
16 department. Otherwise, the license is valid only for operating class  
17 C vehicles that are not commercial vehicles, as defined in  
18 subdivision (b) of Section 15210, and for operating class M1 or  
19 M2 vehicles, if so endorsed, that are not commercial vehicles, as  
20 defined in subdivision (b) of Section 15210.

21 (d) A license or driver certificate issued prior to the enactment  
22 of Chapter 7 (commencing with Section 15200) is valid to operate  
23 the class or type of vehicles specified under the law in existence  
24 prior to that enactment until the license or certificate expires or is  
25 otherwise suspended, revoked, or canceled. Upon application for  
26 renewal or replacement of a driver's license, endorsement, or  
27 certificate required to operate a commercial motor vehicle, a valid  
28 medical certificate on a form approved by the department shall be  
29 submitted to the department.

30 (e) The department may accept a certificate of driving skill that  
31 is issued by an employer, authorized by the department to issue a  
32 certificate under Section 15250, of the applicant, in lieu of a driving  
33 test, on class A or B applications, if the applicant has first qualified  
34 for a class C license and has met the other examination  
35 requirements for the license for which he or she is applying. The  
36 certificate may be submitted as evidence of the applicant's skill  
37 in the operation of the types of equipment covered by the license  
38 for which he or she is applying.

39 (f) The department may accept a certificate of competence in  
40 lieu of a driving test on class M1 or M2 applications, when the

1 certificate is issued by a law enforcement agency for its officers  
2 who operate class M1 or M2 vehicles in their duties, if the applicant  
3 has met the other examination requirements for the license for  
4 which he or she is applying.

5 (g) The department may accept a certificate of satisfactory  
6 completion of a novice motorcyclist training program approved  
7 by the commissioner pursuant to Section 2932 in lieu of a driving  
8 test on class M1 or M2 applications, if the applicant has met the  
9 other examination requirements for the license for which he or she  
10 is applying. The department shall review and approve the written  
11 and driving test used by a program to determine whether the  
12 program may issue a certificate of completion.

13 (h) Notwithstanding subdivision (b), a person holding a valid  
14 California driver's license of any class may operate a short-term  
15 rental motorized bicycle without taking any special examination  
16 for the operation of a motorized bicycle, and without having a  
17 class M2 endorsement on that license. As used in this subdivision,  
18 "short-term" means 48 hours or less.

19 (i) A person under the age of 21 years shall not be issued a class  
20 M1 or M2 license or endorsement unless he or she provides  
21 evidence satisfactory to the department of completion of a  
22 motorcycle safety training program that is operated pursuant to  
23 Article 2 (commencing with Section 2930) of Chapter 5 of Division  
24 2.

25 (j) A driver of a vanpool vehicle may operate with a class C  
26 license but shall possess evidence of a medical examination  
27 required for a class B license when operating vanpool vehicles. In  
28 order to be eligible to drive the vanpool vehicle, the driver shall  
29 keep in the vanpool vehicle a statement, signed under penalty of  
30 perjury, that he or she has not been convicted of reckless driving,  
31 drunk driving, or a hit-and-run offense in the last five years.

32 *SEC. 4. Section 21213 is added to the Vehicle Code, to read:*

33 *21213. (a) A person under 14 years of age shall not operate*  
34 *a class 3 electric bicycle.*

35 *(b) A person shall not operate a class 3 electric bicycle, or ride*  
36 *upon a class 3 electric bicycle as a passenger, upon a street,*  
37 *bikeway, as defined in Section 890.4 of the Streets and Highways*  
38 *Code, or any other public bicycle path or trail, unless that person*  
39 *is wearing a properly fitted and fastened bicycle helmet that meets*  
40 *the standards of either the American Society for Testing and*

1 *Materials (ASTM) or the United States Consumer Product Safety*  
2 *Commission (CPSC), or standards subsequently established by*  
3 *those entities. This helmet requirement also applies to a person*  
4 *who rides upon a class 3 electric bicycle while in a restraining*  
5 *seat that is attached to the bicycle or in a trailer towed by the*  
6 *bicycle.*

7 *SEC. 5. Section 24016 of the Vehicle Code is repealed.*

8 ~~24016. (a) A motorized bicycle described in subdivision (b)~~  
9 ~~of Section 406 shall meet the following criteria:~~

10 ~~(1) Comply with the equipment and manufacturing requirements~~  
11 ~~for bicycles adopted by the Consumer Product Safety Commission~~  
12 ~~(16 C.F.R. 1512.1, et seq.) or the requirements adopted by the~~  
13 ~~National Highway Traffic Safety Administration (49 C.F.R. 571.1,~~  
14 ~~et seq.) in accordance with the National Traffic and Motor Vehicle~~  
15 ~~Safety Act of 1966 (15 U.S.C. Sec. 1381, et seq.) for motor driven~~  
16 ~~bicycles.~~

17 ~~(2) Operate in a manner so that the electric motor is disengaged~~  
18 ~~or ceases to function when the brakes are applied, or operate in a~~  
19 ~~manner such that the motor is engaged through a switch or~~  
20 ~~mechanism that, when released, will cause the electric motor to~~  
21 ~~disengage or cease to function.~~

22 ~~(b) All of the following apply to a motorized bicycle described~~  
23 ~~in subdivision (b) of Section 406:~~

24 ~~(1) No person shall operate a motorized bicycle unless the person~~  
25 ~~is wearing a properly fitted and fastened bicycle helmet that meets~~  
26 ~~the standards described in Section 21212.~~

27 ~~(2) A person operating a motorized bicycle is subject to Sections~~  
28 ~~21200 and 21200.5.~~

29 ~~(3) A person operating a motorized bicycle is not subject to the~~  
30 ~~provisions of this code relating to financial responsibility, driver's~~  
31 ~~licenses, registration, and license plate requirements, and a~~  
32 ~~motorized bicycle is not a motor vehicle.~~

33 ~~(4) A motorized bicycle shall only be operated by a person 16~~  
34 ~~years of age or older.~~

35 ~~(5) Every manufacturer of a motorized bicycle shall certify that~~  
36 ~~it complies with the equipment and manufacturing requirements~~  
37 ~~for bicycles adopted by the Consumer Product Safety Commission~~  
38 ~~(16 C.F.R. 1512.1, et seq.).~~

1 ~~(e) No person shall tamper with or modify a motorized bicycle~~  
2 ~~described in subdivision (b) of Section 406 so as to increase the~~  
3 ~~speed capability of the bicycle.~~

4 *SEC. 6. No reimbursement is required by this act pursuant to*  
5 *Section 6 of Article XIII B of the California Constitution because*  
6 *the only costs that may be incurred by a local agency or school*  
7 *district will be incurred because this act creates a new crime or*  
8 *infraction, eliminates a crime or infraction, or changes the penalty*  
9 *for a crime or infraction, within the meaning of Section 17556 of*  
10 *the Government Code, or changes the definition of a crime within*  
11 *the meaning of Section 6 of Article XIII B of the California*  
12 *Constitution.*

13 ~~SECTION 1. Section 406 of the Vehicle Code is amended to~~  
14 ~~read:~~

15 ~~406. (a) A “motorized bicycle” or “moped” is a two-wheeled~~  
16 ~~or three-wheeled device that has fully operative pedals for~~  
17 ~~propulsion by human power, or having no pedals if powered solely~~  
18 ~~by electrical energy, and an automatic transmission and a motor~~  
19 ~~that produces less than 4 gross brake horsepower and is capable~~  
20 ~~of propelling the device at a maximum speed of not more than 30~~  
21 ~~miles per hour on level ground.~~

22 ~~(b) A “motorized bicycle” is also a device that has fully~~  
23 ~~operative pedals for propulsion by human power and has an electric~~  
24 ~~motor that meets all of the following requirements:~~

25 ~~(1) Has a power output of not more than 1,000 watts.~~

26 ~~(2) Is incapable of propelling the device at a speed of more than~~  
27 ~~20 miles per hour on level ground.~~

28 ~~(3) Is incapable of further increasing the speed of the device~~  
29 ~~when human power is used to propel the motorized bicycle faster~~  
30 ~~than 20 miles per hour.~~

31 ~~(4) Every manufacturer of motorized bicycles, as defined in this~~  
32 ~~subdivision, shall provide a disclosure to buyers that advises buyers~~  
33 ~~that their existing insurance policies may not provide coverage for~~  
34 ~~these bicycles and that they should contact their insurance company~~  
35 ~~or insurance agent to determine if coverage is provided.~~

36 ~~(e) The disclosure required under paragraph (4) of subdivision~~  
37 ~~(b) shall meet both of the following requirements:~~

38 ~~(1) The disclosure shall be printed in not less than 14-point~~  
39 ~~boldface type on a single sheet of paper that contains no~~  
40 ~~information other than the disclosure.~~

1     ~~(2) The disclosure shall include the following language in capital~~  
2     ~~letters:~~

3     ~~“YOUR INSURANCE POLICIES MAY NOT PROVIDE~~  
4     ~~COVERAGE FOR ACCIDENTS INVOLVING THE USE OF~~  
5     ~~THIS BICYCLE. TO DETERMINE IF COVERAGE IS~~  
6     ~~PROVIDED YOU SHOULD CONTACT YOUR INSURANCE~~  
7     ~~COMPANY OR AGENT.”~~